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104TH CONGRESS }
2d Session }

SENATE

{ REPORT
104-387

UMATILLA BASIN PROJECT COMPLETION ACT

SEPTEMBER 30, 1996.—Ordered to be printed

Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, submitted the following

REPORT

[To accompany S. 1986]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 1986) to provide for the completion of the Umatilla Basin Project, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be referred to as the “Umatilla Basin Project Completion Act.”

SEC. 2. Title II of P.L. 100-557 is amended by adding at the end thereof:

“SEC. 214. AUTHORIZATION OF PROJECT COMPLETION.—The Secretary of the Interior (hereinafter referred to as the Secretary), acting pursuant to the Federal reclamation laws (Act of June 17, 1902, and Acts amendatory thereof and supplementary thereto), is authorized to complete construction and to operate and maintain the integrated Umatilla Basin Project, including pump exchange projects known as Phases I, II, and III, for the purposes of completing the Columbia River water exchanges and other mitigation efforts necessary to restore the Umatilla River Basin fishery, and providing for the expansion of Umatilla Basin Irrigation Districts’ boundaries.

“SEC. 215. UMATILLA BASIN PROJECT PHASE III EXCHANGE.—(a)(1) AUTHORIZATION OF PROJECT CONSTRUCTION.—The Secretary is hereby authorized to construct a third and final phase of the Umatilla Basin Project to provide additional flows in the Umatilla River for anadromous fish through a water exchange with Westland Irrigation District.

“(2) Prior to construction, the Secretary shall complete a feasibility study to identify alternatives to provide Westland Irrigation District and other Umatilla River Basin water users with exchange flows of approximately 220 cubic feet per second to restore the Umatilla River fishery, as determined through analysis of options in a feasibility study described in Section 215(a)(3).

“(3) The feasibility study for the Phase III exchange facilities shall examine engineering, environmental, and economic factors associated with project alternatives,

including but not limited to: technical engineering and hydrologic analyses pertinent to the identification and design of alternatives; biological analyses of instream flow levels to optimize anadromous fish restoration; and an assessment of the cost-effectiveness of the alternatives for restoring the Umatilla Basin fishery. The study shall also include an analysis of inclusion of other irrigators in the exchange; consolidation of irrigation delivery facilities; potential for voluntary water transfers; optimization of water delivery scheduling for all four irrigation districts; appropriate backup systems; water conservation opportunities; and such other analyses as the Secretary may deem appropriate to improve the exchange project for fishery restoration purposes.

“(4) Prior to completion of Phase III facilities, the Secretary shall negotiate and execute an exchange agreement with the Westland Irrigation District to allow the use of Columbia River water in exchange for an equivalent amount of Umatilla River or McKay Reservoir water: *Provided*, that the irrigation districts shall continue to be eligible to receive the same volume of water as they received from their Umatilla River water rights and under their respective contracts with the Bureau of Reclamation dated July 6, 1954 for Hermiston Irrigation District, November 18, 1949 for Stanfield Irrigation District, July 6, 1954 for West Extension Irrigation District, and November 18, 1949 for Westland Irrigation District. Additional exchange agreements with other water users may be executed prior to delivery of water to those entities. The exchange agreements shall incorporate water delivery scheduling optimization, conservation, water transfer, and other technical operational measures recommended in the feasibility study.

“(5) Phase III facilities may pump Columbia River water for exchange purposes only, and not for conjunctive use.

“(b) OPERATION AND MAINTENANCE COSTS.—All exchange system operation and maintenance costs and any increased operation and maintenance costs to the project caused by the Phase III Exchange shall be the responsibility of the Federal Government and shall be non-reimbursable.

“(c) POWER FOR PROJECT PUMPING.—The Administrator of the Bonneville Power Administration (hereinafter referred to as the Administrator), consistent with provisions of the Columbia River Basin Fish and Wildlife Program adopted by the Northwest Power Planning Council pursuant to the Pacific Northwest Electric Power Planning and Conservation Act (94 Stat. 2697), shall provide power needed to effect the Phase III water exchange for purposes of mitigating anadromous fishery impacts. Beginning with the fiscal year that such power is provided, and continuing for so long as it is provided, the Administrator shall apply against amounts otherwise payable by the Administrator to the United States Treasury a credit that reduces the Administrator’s payment by the amount equal to the cost of power provided in that year. For purposes of calculating that credit, the Administrator shall determine the cost of the power so provided by multiplying the amount of the power provided by the prevailing priority firm rate, or the rate which is then the equivalent of the priority firm rate if that designation is no longer used by the Administrator, plus applicable transmission charges for priority firm power.

“(d) Project facilities authorized by this title shall be integrated and coordinated into the existing Umatilla Basin Project.

“Sec. 216. UMATILLA BASIN IRRIGATION DISTRICTS BOUNDARY ADJUSTMENT.—(a) Upon enactment of the Umatilla Basin Project Completion Act, the boundaries of the four irrigation districts are adjusted by operation of law as follows:

“(1) Hermiston Irrigation District’s boundaries are adjusted to include the 1,091 acres identified in its 1993 request to the Bureau of Reclamation;

“(2) Stanfield Irrigation District’s boundaries are adjusted to include the 3,549 acres identified in its 1993 request to the Bureau of Reclamation. Stanfield Irrigation District shall design and complete a riparian project, as described in their temporary contract with the Bureau of Reclamation;

“(3) West Extension Irrigation District’s boundaries are adjusted to include the 2,436.8 acres identified in the June, 1993 Bureau of Reclamation Land Classification Report as irrigable; and

“(4) Westland Irrigation District’s boundaries are adjusted to include the 9,912 acres identified in its 1993 request to the Bureau of Reclamation: *Provided*, That the mitigation provisions included in Westland’s 1996 temporary contract with the Bureau of Reclamation shall remain in force until Phase III of the Umatilla Basin Project is constructed, operationally tested, and ready for turnover to operations and maintenance status. A riparian project, as described in the temporary contract, will be designed and completed by the Westland Irrigation District.

“(b) Notwithstanding any other provision of this Title, no parcel may receive project water unless it has a valid State water right and is classified as irrigable in the Bureau of Reclamation’s Land Classification Report.

“(c) Upon approval of each irrigation district’s boundary adjustment request and adjustment of the boundary, a legal description of the new district boundaries, including land classification and project boundary maps, shall be provided as an attachment to all four Irrigation Districts’ existing contracts.

“(d) No alteration in the ability to pay determination for the Umatilla Basin Project districts may be made as a result of the project boundary expansions authorized by this Title.

“SEC. 217. WATER PROTECTION AND MANAGEMENT.—(a) The Secretary, in cooperation with the Confederated Tribes of the Umatilla Indian Reservation (hereinafter referred to as the Tribes), shall participate in any discussions with the State of Oregon (hereinafter referred to as the State) regarding the Tribes’ water claims and other water needs in the Umatilla River Basin. To facilitate these discussions of water claims:

“(1) The Secretary, taking into account the facilities and analyses authorized by the Act, shall participate in any efforts undertaken by the State, Tribes, irrigation districts, Bonneville Power Administration and the affected public to develop a water management plan for the Umatilla River Basin. The plan shall address restoration of the Umatilla River Basin anadromous fishery. The Secretary shall also develop an integrated groundwater/surface water model of the Upper Umatilla River Basin.

“(2) Within two years after the date of enactment of this Act, The Secretary shall report to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives on the progress of:

“(A) the facilities authorized by this Act;

“(B) the water management plan;

“(C) the groundwater/surface water model; and

“(D) the status of discussions of Tribal water claims in the Umatilla River Basin.

“(b) The Secretary shall enter into appropriate agreements with the State, the relevant irrigation districts, and the Tribes, as appropriate, to provide funding for monitoring and administration, including regulation, of project-related water supplies for the purposes herein identified.

“SEC. 218. JOINT WATER SUPPLY SYSTEM.—The Secretary is authorized to provide by grant or contract, any funds appropriated pursuant to Section 219(a)(4) of this Act, to the Tribes for the construction of an offstream storage reservoir of approximately 10,000 acre-feet capacity, with associated works. Such authorization shall not include the purpose of constructing water treatment facilities. Such reservoir is to be located on or adjacent to the Tribes’ Reservation in Oregon: *Provided*, That:

“(a) The City of Pendleton, Oregon (hereinafter referred to as the City) agrees to provide up to \$16,000,000 (in addition to the \$6,500,000 authorized by this Act for the Tribal share of the project) for feasibility level planning and environmental studies and construction of the reservoir and associated works provided for by this Section. Any cost overruns beyond the \$22,500,000 estimated for the reservoir and associated works authorized by this Act shall be allocated 70 per cent to the City and 30 per cent to the Tribes, unless they mutually agree otherwise. In the event that actual construction of the reservoir and associated works is not initiated within 24 months of funds being appropriated pursuant to Section 219(a)(4), such funds will be returned to the Treasury;

“(b) The Secretary determines, pursuant to appropriate feasibility level planning and environmental studies, that the facility can be built and operated in a manner which conforms to all applicable Federal, State, and Tribal laws and that the project siting and construction minimizes adverse effects on the Umatilla River fishery;

“(c) The Secretary, in cooperation with the State and the Tribes, determines that diversions for storage will not reduce Umatilla River flows below the levels necessary to restore and support the Umatilla River anadromous fishery. In diverting water for storage and operation of the reservoir, the Tribes and the City may agree to higher levels of protection of instream flows, as may be permitted by State and Federal law. The reservoir shall be filled only during periods of high flow, and in such a manner as to preserve the ecological value of high flow events in the Umatilla River, as determined by Federal, State, and Tribal fishery experts;

“(d) The City, subject to applicable Federal, State, and Tribal laws, shall use all of its water rights to the Umatilla River and its tributaries with priority dates after January 1, 1910, including those rights identified in Oregon Revised Statutes 538.450, for instream flow purposes to improve the Umatilla River anadromous fish-

ery, provided that adequate water from the reservoir project is available for municipal use;

“(e) The City and the Tribes shall be responsible for operation and maintenance of the reservoir and associated works and shall share all operation and maintenance costs on a pro rata basis, determined by the amount of water in the reservoir set aside for each Government’s use, unless the City and the Tribes mutually agree to an alternative cost allocation; and

“(f) The Secretary may direct that funds authorized under Section 219(a)(4) be contracted to the Tribes, under the provision of the Indian Self-Determination and Education Assistance Act, 25 U.S.C. § 450 et seq., as amended.

“SEC. 219. AUTHORIZATION OF APPROPRIATIONS.—“(a) There are authorized to be appropriated to the Secretary, plus or minus such amounts as may be justified by reason of ordinary fluctuations of applicable cost indexes, the following sums, without fiscal year limitation:

“(1) not to exceed \$64,000,000 for feasibility studies, environmental studies, and construction of the Phase III Exchange: *Provided*, That all costs of Phase III planning and construction, including operation and maintenance costs allocated to the mitigation of anadromous fish species and the study authorized in Section 215 of this Act, shall be non-reimbursable; *Provided further*, That not more than 25 percent of the amount appropriated under this paragraph may be expended for administrative overhead costs;

“(2) not to exceed \$500,000 for a water management plan and an integrated groundwater/surface water model, as provided for in Section 217(a) of this title;

“(3) not to exceed \$400,000 annually for enforcement and protection of Phases I, II, and III exchange water for instream uses, as provided for in Section 217(b) of this title; and

“(4) not to exceed \$6,500,000 for feasibility studies, environmental studies, and construction of the Tribes’ portion of an off stream storage reservoir and associated works, as authorized in Section 218 of this title.”.

SEC. 3. WATER RIGHTS.—Nothing in this Act shall:

(a) Impair the validity of or preempt any provision of State law with respect to water or water rights, or of any interstate compact governing water or water rights;

(b) Create a right to the diversion or use of water other than as established pursuant to the substantive and procedural requirements of State law and as recognized under State law;

(c) Impair any valid water right; or

(d) Establish or create any water rights for any party, nor may any provision be construed to create directly or indirectly an express or implied federal reserved water right for any purpose.

SEC. 4. SENSE OF THE CONGRESS.—It is the sense and expectation of the Congress that construction and operation of Phase III, the perpetual operation of the integrated Umatilla Basin Project, and the construction and operation of the Joint Water Supply System, as authorized in Section 218 of this Act, will fulfill obligations of the Federal Government to provide the Confederated Tribes of the Umatilla Indian Reservation with water for fishery purposes in the Umatilla River below the mouth of McKay Creek, as recognized by their 1855 Treaty with the United States: *Provided*, That fulfillment of obligations is contingent upon an agreement between the United States, the Tribes, and the State as to the instream flow levels necessary for fishery restoration, and that the design and operation of the integrated Umatilla Basin Project, as determined by the feasibility study required in Section 215(a)(3) of this Act, will allow such instream flow levels to be achieved.

PURPOSE OF THE MEASURE

S. 1986, as ordered reported, would amend the Umatilla Basin Project Act of 1988 (P.L. 100–557) to provide \$71 million for the completion of the Phase III exchange system and would make or authorize alterations in District boundaries consistent with current water deliveries.

BACKGROUND AND NEED

The Umatilla project, located in northeastern Oregon, was authorized in 1905 under the 1902 Reclamation Act and most facilities were constructed between 1906 and 1927. Four irrigation districts operate and maintain the project facilities. Diversion facili-

ties include the Three Mile Falls Dam and the Feed Canal Diversion Dam which is used to till Cold Springs reservoir. Storage facilities for the project include the Cold Springs and McKay Dams.

In 1988, the Umatilla Basin Project Act was passed for the purpose of mitigating the loss of anadromous fishery resources on the Umatilla River while continuing water service to irrigated lands. The project, when fully implemented by the Bureau, will improve the flow conditions of the Umatilla River for salmon and steel head trout migration, spawning and rearing by providing exchange water from the Columbia River. Annual pumping requirements for the project from the Columbia River is estimated to average 39,000 acre feet annually. In 1996, over 4,000 fish returned to the Umatilla River for the first time in decades.

The 1988 Act, however, provided Columbia River exchanges for only half of the Umatilla River irrigation withdrawals. The legislation calls for the completion of a third and final phase of the project to provide exchange water and will satisfy all obligations of the United States to provide water for fishery needs of the Confederated Tribes of the Umatilla Indian Reservation below the mouth of McKay creek. The legislation also adjusts the boundaries of the four districts (one prospectively) in accordance with the lands irrigated with project water in 1988 and calls for a comprehensive water management plan for the Umatilla River.

LEGISLATIVE HISTORY

Senator Hatfield introduced S. 1986 on July 24, 1996. The Subcommittee on Forests and Public Land Management held a hearing on September 3, 1996.

COMMITTEE RECOMMENDATIONS AND TABULATION OF VOTE

The Senate Committee on Energy and Natural Resources, in open business session on Thursday, September 12, 1996, by a unanimous voice vote of a quorum present, recommends that the Senate pass S. 1986 as described herein.

SECTION-BY-SECTION ANALYSIS

Section 1—Short title

The title of the Act is the “Umatilla Basin Project Completion Act.”

Section 2—Umatilla Basin Project Act amendments

This section amends title II of the Umatilla Basin Project Act of 1988, Pub. L. 100–557, by adding the following new sections:

Section 214 authorizes the Secretary of the Interior to complete the construction of the Umatilla Basin Project and to operate and maintain the Project for purposes of completing the Columbia River water exchanges, and provides for the expansion of the Umatilla Basin Irrigation District’s boundaries.

Section 215 authorizes the Secretary to construct a third and final phase of the Umatilla Basin Project to provide additional flows in the Umatilla River for anadromous fish through a water exchange with the Westland Irrigation District. Prior to construction, the Secretary is required to conduct feasibility studies and en-

vironmental analyses. Prior to completion of Phase III facilities, the Secretary is required to negotiate and execute a water exchange agreement with Westland Irrigation District to allow the use of Columbia River water in exchange for an equivalent amount of Umatilla River or McKay Reservoir water. Phase III facilities are required to use project water only for exchange purposes and not for conjunctive use. All exchange system operation and maintenance costs and any increased operation and maintenance costs caused by the exchange shall be non-reimbursable and be the responsibility of the United States. The Bonneville Power Administration is required to provide the power necessary to effect the Phase III water exchange for purposes of mitigating anadromous fishery impacts. Beginning with the year power is provided and continuing for so long thereafter as power is provided, BPA shall be given a credit against amounts owed to the United States Treasury in an amount equal to the cost of power provided in that year.

Section 216 would adjust the boundaries of four irrigation districts by operation of law as follows: Hermiston Irrigation District's boundaries would be adjusted to include 1,091 acres; Stanfield Irrigation District's boundaries would be adjusted to include 3,549 acres; West Extension Irrigation District's boundaries would be adjusted to include 2,436.8 acres; and Westland Irrigation District's boundaries would be adjusted to include 9,912 acres. Stanfield and Westland Irrigation Districts will remain responsible for riparian mitigation projects specified in their temporary contracts with the Bureau of Reclamation. Westland Irrigation District will continue to provide McKay Reservoir water for instream flows, as specified in its temporary contract, until Phase III is completed. A valid State water right and "irrigable" classification status are prerequisites for receiving project water, and there is no alteration in ability to pay determinations for any of the four districts as a result of the boundary expansions.

Section 217 requires the Secretary to: (1) participate in discussions with the State of Oregon regarding water claims of the Tribes of the Umatilla Indian Reservation and other water needs in the Umatilla River Basin; (2) participate in efforts taken by the State, Tribes, irrigation districts, BPA and the affected public to develop a water management plan for the Umatilla Basin; (3) develop an integrated groundwater/surface water model for the Upper Umatilla River Basin; (4) report to Congress within two years of enactment of the status of the facilities authorized by this Act, the water management plan, the water model, and discussions of Tribal water claims; and (5) enter into agreements with the State, irrigation districts, and Tribes to provide funding for monitoring and administration, including regulation, of project-related water supplies.

Section 218 authorizes the Secretary to contract with the Tribes to construct an offstream storage reservoir of approximately 10,000 acre feet capacity, with associated works. The authorization does not include construction of water treatment facilities. The reservoir will be filled only during periods of high flow. The City of Pendleton is required to provide up to \$16 million and use its Umatilla River water to improve the fishery.

Section 219 authorizes: \$64,000,000, with a 25% administrative cost cap, for Phase III studies and construction; \$500,000 for developing a comprehensive management plan and a groundwater/surface water model; \$400,000 for monitoring and enforcing project water; and \$6,500,000 for offstream reservoir studies and construction.

Section 3—Water rights

This section declares that nothing in this Act: (1) impairs the validity of or preempts State law with respect to water or water rights, or of any interstate compact governing water or water rights; (2) creates a right to divert or use water other than as established pursuant to the substantive and procedural requirements of State law; (3) impairs any valid water right; or (4) establishes or creates any water rights for any part, nor creates an express or implied Federal reserved water right for any purpose.

Section 4—Sense of Congress

This section declares that Congress expects that operation of Phases I, II, and III of the Umatilla Basin Project and the joint water supply project with the City of Pendleton will fulfill all obligations of the Federal Government to provide the Confederated Tribes of the Umatilla River Indian Reservation with water for fishery needs in the Umatilla River below the mouth of McKay Creek, as recognized by their 1855 Treaty with the United States.

COST AND REGULATORY CONSIDERATIONS

The Congressional Budget Office estimate of the costs of this measure follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 27, 1996.

Hon. FRANK H. MURKOWSKI,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 1986, the Umatilla Basin Project Completion Act.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

JUNE E. O'NEILL, *Director.*

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

1. Bill number: S. 1986.
2. Bill title: Umatilla Basin Project Completion Act.
3. Bill status: As reported by the Senate Committee on Energy and Natural Resources on September 16, 1996.
4. Bill purpose: S. 1986 would adjust the boundaries of irrigation districts in the Umatilla Basin and authorize the Secretary of the Interior to construct and to operate and maintain the third and

final phase of the Umatilla Basin Project. The project would allow for water exchanges between the Columbia River and the Umatilla River for the purpose of restoring the Umatilla River Basin fishery. Other provisions of the bill would: require the Administrator of the Bonneville Power Administration (BPA) to provide the power needed to affect water exchanges between the Columbia and Umatilla Rivers; and authorize funds for developing a water management plan for the Umatilla River Basin, for monitoring water use in the basin, and for contracting with the Confederated Tribes of the Umatilla Indian Reservation to construct a water storage reservoir.

5. Estimated cost to the Federal Government: Assuming appropriation of the necessary amounts, CBO estimates that enacting S. 1986 would result in new discretionary spending of \$56 million over the 1997–2002 period, about \$10 million in each of fiscal years 2003 and 2004, and roughly \$1 million a year after 2004. The bill also would result in direct spending of about \$1 million a year beginning in 2005.

[By fiscal year, in millions of dollars]

	1997	1998	1999	2000	2001	2002
CHANGES IN SPENDING SUBJECT TO APPROPRIATION						
Estimated authorization level	7	(¹)	68	(¹)	(¹)	(¹)
Estimated outlays	3	3	12	10	14	14

¹ Less than \$500,000.

The costs of this bill fall within budget function 300.

6. Basis of estimate:

Spending subject to appropriation: Assuming appropriation of the authorized amounts, CBO estimates that it would cost \$75 million over the 1997–2004 period to construct the third and final phase of the Umatilla Basin Project, construct a water storage facility, and to develop a water management plan. Additional discretionary spending of about \$400,000 a year would be required beginning in 1998 to monitor and enforce water uses in the basin. As shown in the above table, we estimate that \$56 million of that spending would occur over the 1997–2002. Monitoring and enforcement costs would increase to about \$1 million a year beginning in 2005, including the cost of operating and maintaining the third phase of the Umatilla Basin Project.

Based on information from the Bureau of Reclamation, CBO assumes that construction of the third phase of the Umatilla Project would begin in 1999 and completed in 2004. Amounts required to operate and maintain the Umatilla Basin Project are estimated based on information provided by the bureau.

Direct spending: Enacting S. 1986 also would result in new direct spending of about \$1 million a year beginning in 2005 by reducing payments to the Treasury from the sale of power. Under the bill, the BPA Administer would be directed to provide power needed to affect water exchanges between the Columbia and Umatilla Rivers after the Umatilla Project is completed. Annual payments from BPA to the Treasury from the sale of power would be reduced to reflect the cost of providing power for this purpose.

7. Pay-as-you-go considerations: Section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 sets up pay-as-

you-go procedures for legislation affecting direct spending or receipts through 1998. CBO estimates that enacting would affect direct spending by reducing the amount of offsetting receipts paid into the Treasury for the sale of power. However, such effects would not occur until 2005.

8. Estimated impact on State, local, and tribal governments: S. 1986 contains no intergovernmental mandates as defined in the Unfunded Mandates Reform Act of 1995 (Public Law 104-4), and would impose no costs on state, local, or tribal governments. The bill would adjust the boundaries of four irrigation districts in the Umatilla Basin and would authorize construction of facilities to replace the water these districts currently receive from the Umatilla River with water from the Columbia River. The water the districts would have received from the Umatilla River would be left in the river to restore its fishery resources, which are used by the Confederated Tribes of the Umatilla Indian Reservation.

The bill would authorize the Secretary of the Interior to provide up to \$6.5 million to the Tribes for planning and constructing an off-stream storage reservoir, as long as the city of Pendleton, Oregon, provides up to \$16 million in additional funding. The city would exchange current rights to water from the Umatilla River and its tributaries for water from the reservoir, which would be filled during periods of high flow on the river. Pendleton and the Tribes would share any cost overruns during construction of the reservoir on a 70 percent/30percent basis, unless they agreed to another ratio. They would divide all operation and maintenance costs for the reservoir on a pro rata basis.

9. Estimated impact on the private sector: This bill would impose no new private-sector mandates as defined in Public Law 104-4.

10. Previous CBO estimate: On September 27, 1996, CBO provided an estimate for H.R. 2392, as reported by the House Committee on Resources on September 18, 1996. The two bills are similar, and the estimates are identical.

11. Estimated prepared by: Federal cost estimate: Gary Brown; Impact on State, local, and tribal governments: Pepper Santalucia; and Impact on the private sector: Patrice Gordon.

12. Estimate approved by: Paul N. Van de Water, Assistant Director for Budget Analysis.

FEDERAL MANDATE EVALUATION

The Congressional Budget Office has determined that S. 1986 contains no private sector or intergovernmental mandates as defined in the Unfunded Mandates Reform Act of 1995 (Public Law 104-4).

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in implementing S. 1986. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

There are likely to be significant paperwork requirements for the Department of the Interior.

EXECUTIVE COMMUNICATIONS

A Statement of Administration Position has not been submitted as of the date this report was filed. When the SAP is available, the Chairman will request that it be printed in the Congressional Record for the advice of the Senate.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by the bill S. 1986, as ordered reported.

